RG56 Entry 289 Box 4

14

Filed July 24th 1839
by
Mr Maxwell

RG56 Entry 289 Box 4

1

New Orleans July 5th 1839

Thomas Slidell Esq
U.S. District Atty.

Sir

I pursuant to your requirement, made on the 2nd inst a report on erroneous assaying to which Doctor Hart has replied & which places me also under the necessity of making a reply.

At what period I first discovered the Doctor's inaccuracies is not material, & the record is already crowded with too much irrelevant matter calculated to confuse if not to prevent a perusal; therefore I shall not be led off from the true points of enquiry by this device — I again say that I have not a doubt as to the assayer having made reports without assaying of melts professed by him to have been assayed. — And I think to any one at all acquainted with the principles of assaying, that the reasoning in my former report in reference to No 51. 52. 53 & 54 as well as some other numbers is conclusive: And furthermore No 52 having been reassayed by Dr Hart at the request of Mr Bradford was found to contain 6 M Gold which was brought into my a/c on settlement in August, which was made with Mr Bradford —

The book containing that settlement was put aside, & the a/c defaced no doubt for the purpose of concealing that entry, that the falsity of the letter written to the Director might not appear. You will recollect my success in detecting this fraud on the books, & in bringing to light the fact of the book presented for the true book being in appearance so near a fac-simile as to deceive the observer without the most rigid scrutiny.

RG56 Entry 289 Box 4

This gold was returned to me in January & charged to me in the aggregate in the substituted book, doubtless supposing that I could not establish whether it was or was not included in the amt thus charged, but I have had the good fortune to find a statement in the handwriting of Mr Winter, set down at the time for the purpose of making the settlement of Jan 7. and now file the paper from which when compared with Doctor Mott's first report of assay establishes the fact that bar No 52. contained 8,698 oz gold, when no gold had been reported in this bar by the Doctor's original report of assay. As to the account settled in July being critically right it was so, so far, as that I delivered to the Treasurer all that I had received, including this gold of 8.698 oz & this was acknowledged in writing by Mr Bradford & the Treasurer & never disputed by either. There had previously been errors in the Doctor's assays by which there was a deficiency or loss of an equal amt or thereabouts, which nearly equalized the account, but this in no wise establishes that there was not gold in bar No 52.

I have thought it almost unnecessary to notice any thing said by the Supt after learning the conflicting statements made by him in this investigation, & his letters to the Director & to the Honble the Secty of the Treasury; & I should hardly deem it necessary to notice the assayer's statements were it not that he possesses a peculiar tact & for

RG56 Entry 289 Box 4

writing a report or letter, which to persons not on the spot to detect the deception might bear the semblance of truth. It will be seen by the Doctors report that he has changed his position as to my having asked for a vastage. The Doctor ought to have been sufficiently acquainted with the mercantile operations of Ligandi & to have known that they receive many consignments of Bullion from different houses, & that a deduction on a deposit belonging to one house to make up for deficiencies on a deposit belonging to another house, would be unjust. I have never heard from any one but the Dr. of the Assayer making deductions at his pleasure. It is certainly an unsafe thing, for if the assayer may make a deduction of 10 M. I can see no reason why he should not when it is his pleasure make a deduction of 10 M.

The law makes the allowance. The Doctor says, I was always pleased when he made an allowance. I do not know how he reconciles this statement with what he says about my returning his memorandum, endorsed "a weak invention of the enemy" we have had very little other intercourse ~~this~~ for the past year. The Doctor has an off hand way of assaying as well as writing and it is much easier after having assayed a few melts of silver which is nearly fine & which seems to correspond in the title, to assay than to go to the trouble of assaying 20 or 21 melts

RG56 Entry 289 Box 4

as noticed in my former report. — I never had any faith in this innovation of the assayer of the N.O. B. Mint.

The Doctor in his report says "the Melter & Refiner when on oath last evening was asked from what source he derived the entries on the left hand page in the book entitled Book of Gold Melts he replied from the assayers reports & the Weigh Book chiefly. the other entries were one of assay pieces, & one of a bar from the Refinery. — He was then asked if with the exception of these the others were derived from the assayers reports & weigh books: he replied they were; now on that page where there is exhibited an excess of 12.180 oz of gold I find false entries which will acc for ~~left the~~ 10 oz my return of gold separated for Legards is as follows"

		on Mr Maxwells book
N° 22	oz 24.472	15.571
24	13.906	8.698
25	8.779	13.906
	47.157	38.175
	Difference	8.982
		47.157

I suppose the Dr has made a mistake in taking down the numbers of the Melts from my calculation book as it cannot be supposed that he would put this down in fraud when so easily detected as N.os 22 & 25 are not on that page & N° 24 is a deposit from T Gandell & Co of 381.741 oz.

I suppose he refers to No.s 51. 52 & 53 as the Acct of each of these melts on my book corresponds with his statement of the Acct paid by him "to be on Mr Maxwells book" he has his Nos wrong & I refer to my letter to the Supt. of June 1838 which is on file to explain this matter.

The remarks on the deposit ~~made~~ by Kelly made by the Assayer are so absurd that it is hardly worth my while answering them Mr Lerick (the Melter) on that subject being in my opinion entirely conclusive. but I will proceed to state the facts; they are as follows, being in the weigh room at the time the said deposit was brought in I observed it had been cracked in stamping, & as it weighed 4 or 5 dwts more than it was entered on the weighing Book I ordered the Melter (Lerick) to remelt it: it is quite probable he had melted it originally in a pot that had been used, as the gold was brittle which was not usual for Coin. I made a calculation of the difference between the tills & weight & it corresponded almost exactly.

The Doctor states that Mr Humphreys Mr Erickson & Mr Lerick could testify to the truth of ~~what he says~~ some of the statements he has made, but he takes especial care not to question either on the subject; the same respect his charges about political prejudice in which he names Messrs Forstall & Gordon of the firm of Lizardi, but does not produce

them altho: I have requested to have their testimony taken.

I have not intended to do the Doctor any injustice I may have done so in my plea as to his country which I then believed to have been Irish, since which one of his witnesses states it to have been English. I hope this explanation will satisfy him as well as those with whom I erroneously classed him.

This is a fruitful subject upon which much might be said, but I will conclude by saying that I have an excess of gold of about $600. & furthermore as it will be found by reference to Dr Hunt's first letter to Mr Bradford on the excess that all I wanted was that the said excess should be appropriated to the proper depositors & I must say:

The Assayer & his Supt have to blame themselves for the difficulty arising out of this matter — I offered every facility by reference to my books and explanations to assist them in adjusting it, but in my opinion they were guilty of the most culpable neglect, & a determination to pass it by without ever having it attended to. Dr Hunt's letter & Mr Bradford's testimony clearly show such a determination or that it had been so far dismissed from Mr Bradford's mind that he remembered little or nothing about it. Allow me to refer you to his testimony on this subject. Among the many strange things that he states was

RG56 Entry 289 Box 4

that he did not remember the point of dispute in the Lizardi Case, altho' he had received a letter from me in June 1838 in reference to this very deposit, that he investigated this subject, found me wrong, the Dr right, & returned my letter. — When the fact was that he investigated & settled my A/C acknowledging the receipt of 8.698 oz of gold, & dismissed the subject from his mind without enquiring to whom it belonged, this however I believe was done merely in the hope of preventing my exhibiting the Doctor in the wrong, thats from any disposition to defraud the depositor.

Very Respectfully
Your Obt Servt
James Maxwell.

RG56 Entry 289 Box 4

U S Br Mint N O Jany 25 1839

1839

Gold & Silver Granulated for Separation

Jany 25	No 24	L Lanahl & Co	398	57	792	350	741
	16	Benoist & Co	53		938	55	237
	17	do do	250		949	263	611
	15	J Roberts & Co	13	90	768	11	861
	51	Lizardie & Co				15	571
	52	do do				8	698
	53	do do				13	905
	63	Ex R R & J Co					
	64	do do do					
	65	do do do					
	66	do do do					
	67	do do do					
	68	do do do				21	464
	4	Bar from refinery				50	560
		Assay pieces				1	071
	21	Carrier & Co					579
	9	Lizardie & Co				12	429
	10	do do				10	700
5	4	J Roberts & Co				11	557
6	5	do do				12	266
4	6	do do				13	437
	10	do do				11	657
		Bar No 586				865	345
						877	525
		Excess of Stand Gold				12	180

Wm P. Hort M.D.

N.B. This is a copy of the page on my gold ~~bullion~~ assayer's book of melts referred to by Dr Hort in his reply to my report on erroneous assaying, where he speaks of false entries &c. James Maxwell. M.D.